

**REMARKS**

For the amendments made to the claims and the remarks made herein, applicant respectfully requests reconsideration and withdrawal of the rejections.

Claims 1-9 are pending and stand rejected. Claim 8 has been amended to correct a typographical error.

Claims 1-9 stand rejected under 35 USC 102(e) as being anticipated by Nystrom (USP no. 6,526,091), which is the same rejection recited in the prior Office Action.

Applicant again respectfully disagrees with, and explicitly traverses, the reason for rejecting the claims for the same reasons recited in the prior Office Action.

In response to the arguments made in the prior Office Action, the instant Office Action states that "Nystrom discloses a method ... comprising the steps of: modulating a data signal with an initial code ... and transmitting the initial CDMA signal ... until synchronization ... is obtained (... col 15, lines 1-20, a generator produces a special sequence ... for producing a set of S-Hadamard code words. The initial code word ... once generated is passed thru the selector ... synchronization for the initial code word is accomplished by primary synchronization code (PSC) see Fig. 4 col 6 lines 8-15, with the remote terminal...), modulating the data signal with a final code word in order to obtain a final CDMA signal and transmitting the final CDMA signal after synchronization with the primary station has been obtained, characterized in that the initial codeword for every possible time shift using coherent combination for all possible code words see specifically col 7 lines 19-25. Secondary synchronization is performed by the secondary synchronization code (SSC) that may be different for each base station within a network. Final code word synchronization may be achieved with the SSC by scanning for the SSC's with a given network area that combined with matched filters corresponding to a candidates SSC's see col. 6, lines 19-35).

Contrary to the statements made in the Office Action, Nystrom fails to describe a method or system that encodes data using an initial code word and then after synchronization occurs encodes data using a final code word, wherein the initial code

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word is substantially orthogonal to the final code words for every possible time shift of the initial code word, as is recited in the claims.

Rather Nystrom teaches an unscrambled synchronization channel SCH that comprises two parts: a primary synchronization code (PSC) and a secondary synchronization code (SSC) both of which are transmitted once per slot. (see col. 5, lines 19-22). The PSC is used to facilitate detection of the presence of a carrier signal and the presence of the unscrambled PSC gives an advantage to a communication system in that the number of possible frame start positions is reduced. (see col. 6, lines 29-33). The SSC, which is transmitted in addition to the PSC, is used for the determination of the frame timing and group identity. (see col. 6, lines 37-39). The Office Action refers to the PSC being comparable to the initial code word and the SSC being comparable to the final code word, and that the SSC may be fixed or variable in the frame.

However, the comparison of the PCS and the SSC with the initial and final code words is not valid, as the PSC and the SSC are transmitted concurrently in each slot for synchronization purposes, whereas in the instant application the initial codeword and the final codeword are not concurrently used (transmitted). Rather, the initial codeword is transmitted until synchronization occurs and then the final codeword is used thereafter.

Nystrom, furthermore, fails to teach that the "the initial code word is substantially orthogonal to the final code words for every possible time shift of the initial code word." The Office Action refers to col. 7, lines 19-25 as reciting this claim element. However, a reading of this section reveals that Nystrom discloses that "if  $m_i$  is the sign of the code word  $C_i$  in the  $i$ -th slot, the transmitted sequence of SSCs in a frame will be as follows for a frame have sixteen slots:  $[m_1 C_1, m_2 C_1, m_3 C_1 \dots m_{16} C_1]$ . By correlating the received slot information with all possible code words  $C_i$  and by coherently combining these correlation values according to sign sequences corresponding to all cyclic shifts of the sequence  $[m_1, m_2, m_3 \dots m_{16}]$  both the code word  $C_i$  and the phase  $[m_1, m_2, m_3 \dots m_{16}]$  that maximizes the combined correlation value can be determined." Nystrom fails to provide any teaching of a relationship between the PSC and SSC that they are substantially orthogonal for every possible time shift of the initial code word.

A claim is anticipated only if each and every element recited therein is expressly or inherently described in a single prior art reference. Nystrom cannot be said to

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anticipate the present invention, because Nystrom fails to disclose each and every element recited in the claims.

Applicant submits that for the remarks made herein, the reason for the rejection of claim 1 has been overcome and can no longer be sustained. Applicant respectfully requests withdrawal of the rejection and allowance of this claim.

With regard to the remaining independent claims, these claims recite subject matter similar to that recited in claim 1 and were rejected for the same reason used in rejecting claim 1. Thus, the remarks made in response to the rejection of claim 1 are also applicable in response to the rejection of the remaining independent claims. For the remarks made with regard to the rejection of claim 1, which are reasserted, as if in full, herein, in response to the rejection of the remaining independent claims, applicant submits that the reason for rejecting these claims has been overcome and the rejection can no longer be sustained. Applicant respectfully requests withdrawal of the rejection and allowance of the remaining independent claims.

With regard to the remaining dependent claims, these claims ultimately depend from the independent claims, which have been shown to contain subject matter not disclosed by, and, thus, allowable over, the reference cited. Accordingly, these claims are also allowable by virtue of their dependency from an allowable base claim.

Applicant respectfully requests withdrawal of the rejection and allowance of the dependent claims.


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For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

Dan Piotrowski  
Registration No. 42,079

  
By: Steve Cha  
Attorney for Applicant  
Registration No. 44,069

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**Mail all correspondence to:**  
Dan Piotrowski, Registration No. 42,079  
US PHILIPS CORPORATION  
P.O. Box 3001  
Briarcliff Manor, NY 10510-8001  
Phone: (914) 333-9624  
Fax: (914) 332-0615